

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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RUDY MONTOUR,

Petitioner,

-against-

MEMORANDUM AND ORDER
19-CV-0009 (JS)

DONALD UHLER,

Respondent.

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APPEARANCES

For Petitioner: Rudy Montour, pro se
12A3637
Wende Correctional Facility
Wende Road, P.O. Box 1187
Alden, New York 14004-1187

For Respondent: Christopher Charles Caffarone, Esq.
United States Attorneys Office
Eastern District of New York
610 Federal Plaza
Central Islip, New York 11722

SEYBERT, District Judge:

Rudy Montour ("Montour" or "Petitioner") filed his petition for a writ of habeas corpus (the "Petition") on January 16, 2019. (Pet., D.E. 1.) The Government opposes the Petition. (Def. Opp., D.E. 16.) Since the Government filed its opposition, Petitioner has requested numerous extensions of time to file his reply. (Ext. Requests, D.E. 17, 19, 21, 23, 26.) In these requests, Petitioner indicates that he is attempting to gather documents necessary to respond to the Government. As Petitioner is proceeding pro se and the Court desires to give him the fullest opportunity to adequately represent himself, the Court

has granted the extension requests. Of late, the Court is also mindful of the challenges, especially for an incarcerated pro se litigant, due to the COVID-19 pandemic. However, Petitioner's Reply was initially due on February 20, 2020, approximately six months ago. (See Feb. 3, 2020 Elec. Order.)

In his latest request, Petitioner does not indicate how much additional time he requires. (Ext. Request, D.E. 26.) Accordingly, as not to prejudice Montour, the Clerk is directed to administratively close this case without prejudice to reopening. When Petitioner is ready to file his reply or otherwise proceed, he may file a letter to the docket and the Court will direct the Clerk to reopen the case.

The Court certifies that any appeal of this Order would not be taken in good faith, and thus his in forma pauperis status is denied for the purposes of any appeal. Coppedge v. United States, 369 U.S. 438, 444-45, 82 S. Ct. 917, 921, 8 L. Ed. 2d 21 (1962). The Clerk of the Court is directed to mark this case CLOSED and mail a copy of this Order to the pro se Petitioner.

SO ORDERED.

/s/ JOANNA SEYBERT
Joanna Seybert, U.S.D.J.

Dated: September 8, 2020
Central Islip, New York